

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL ESTRADA, individually
and on behalf of others similarly
situated,

PLAINTIFF,

v.

MAGUIRE INSURANCE AGENCY,
INC.,

DEFENDANT.

CIVIL ACTION NO. 11CIV8092

JURY TRIAL DEMANDED

NOTICE OF COLLECTIVE ACTION LAWSUIT

LEGAL NOTICE

*THIS IS AN IMPORTANT LEGAL NOTICE THAT MAY AFFECT YOUR LEGAL RIGHTS.
READ THIS NOTICE CAREFULLY.*

TO: All current and former Maguire Insurance Agency, Inc. employees who were employed as Claims Examiners working exclusively on “fast track” auto matters in the Addison, Texas office for any length of time during the period [**Insert Date 2 Years Prior To Issuance of Notice**] until the present.

RE: Fair Labor Standards Act lawsuit against Maguire Insurance Agency, Inc. for alleged failure to pay overtime compensation in accordance with Federal Law.

FROM: The Law Office of Rob Wiley, P.C.
Robert J. Wiley, Esq.
1825 Market Center Boulevard, Suite 385
Dallas, Texas 75207

INTRODUCTION

The purpose of this Notice is to inform you of a collective action lawsuit pending in the United States District Court for the Eastern District of Pennsylvania in which you are potentially “similarly situated” to Michael Estrada (“Plaintiff”). This Notice informs you about your option to participate in the lawsuit, if you so desire, and the procedure for doing so. This Notice is for the sole purpose of determining the identity of persons who may wish to be involved in this case.

Although the Court has authorized the sending of this Notice, the Court expresses no opinion regarding the merits of Plaintiff's claims or Maguire's liability. There is no assurance at this time that the Court will grant any relief in this case.

DESCRIPTION OF THE ACTION

In February 2012, Michael Estrada filed a lawsuit on behalf of himself and all other similarly situated individuals who worked as Claims Examiners on exclusively "fast track" auto matters for Maguire Insurance Agency, Inc. The lawsuit seeks recovery for unpaid overtime wages which the Plaintiff claims are owed pursuant to the federal law which governs wages and overtime compensation, the Fair Labor Standards Act ("FLSA").

Specifically, the Plaintiff has alleged that he was misclassified as exempt from overtime and that he is instead entitled to overtime compensation for hours worked in excess of 40 hours per week. Plaintiff claims that he spent the majority of his time performing routine clerical work and/or exercised little or no discretion or independent judgment in carrying out his duties and responsibilities.

Maguire denies the allegations in the Plaintiff's lawsuit and is vigorously defending the litigation. Maguire asserts that it properly classified Claims Examiners working exclusively on "fast track" auto matters as exempt from overtime, paid them all wages owed for all hours worked, and asserts that it did not violate the FLSA.

WHO MAY JOIN THE LAWSUIT

You may elect to participate in this lawsuit if you are (i) a current or former Claims Examiner who worked exclusively on "fast track" auto matters, (ii) employed by Maguire Insurance Agency, Inc. in its Addison, Texas office, (iii) from **[TWO YEARS PRIOR]** to present, (iv) who worked in excess of 40 hours in one or more weeks, and (v) were not properly paid overtime wages.

YOUR RIGHT TO PARTICIPATE IN THIS ACTION AS A PARTY PLAINTIFF

If you are qualified and believe that you worked more than 40 hours per week and that Maguire has failed to pay you overtime compensation for this time, you have the right to join this action as a plaintiff by mailing or faxing the attached Consent Form to Plaintiff's attorneys at the address below, on or before **[DATE – THIRTY DAYS AFTER MAILING]**.

The Law Office of Rob Wiley, P.C.
1825 Market Center Boulevard, Suite 385
Dallas, TX 75207
Facsimile: (214) 528-6511

It is entirely your decision whether to join this lawsuit. You are not required to take any action unless you so desire. If you do not return the enclosed Consent Form on or before **[30 Days after mailing]**, you will not be able to join this lawsuit.

LEGAL EFFECT OF JOINING OR NOT JOINING THIS LAWSUIT

If you choose to join this lawsuit, you will be bound by any ruling, judgment or award entered by the Court, whether favorable or unfavorable, or any Court approved settlement entered into by the Plaintiff. Joining this lawsuit does not guarantee that you will receive a monetary award as a result of a judgment or settlement. While the lawsuit is proceeding, you may be required to participate in the lawsuit, by providing information and documents and responding to discovery requests, appearing for a deposition, and/or testifying in court.

If you return a Consent Form, you are agreeing to designate Michael Estrada as your agent to make decisions on your behalf concerning this lawsuit, the method and manner of conducting this lawsuit, the entering of an agreement with Plaintiff's counsel concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit. In addition, your continued right to participate in this action will depend on a later decision by the Court that you and the Plaintiff are "similarly situated" in accordance with applicable laws and that it is appropriate for this case to proceed as a collective action.

If you choose not to join this action, your legal rights will not be affected by any settlement or any judgment, whether favorable or unfavorable. If you choose not to join this lawsuit, you are free to take action on your own or to do nothing at all.

NO RETALIATION PERMITTED

Federal law prohibits retaliation against employees for exercising their rights under the FLSA. Therefore, if you are a current employee, Maguire is prohibited from terminating your employment or retaliating against you in any manner because you have exercised your rights under the FLSA to participate in this action.

LEGAL REPRESENTATION

If you choose to join this case by returning a Consent Form, your interests will be represented by the Law Office of Rob Wiley, P.C.:

Robert Joseph Wiley
1825 Market Center Boulevard, Suite 385
Dallas, TX 75207
Telephone: (214) 528-6500
Facsimile: (214) 528-6511

Plaintiffs' counsel has taken this case on a contingency basis. They may be entitled to receive attorney fees and costs from Maguire Insurance Agency, Inc. should there be a recovery or judgment in Plaintiffs' favor. If there is a recovery, Plaintiffs' counsel will receive a part of any settlement obtained or money judgment entered in favor of all members of the class. If there is no recovery or judgment in Plaintiffs' favor, Plaintiffs' counsel will not seek any attorneys' fees from any of the Plaintiffs and you may be liable to pay certain costs and fees if you have

elected to join. The specific terms and conditions will be contained in a fee agreement separately entered into by Plaintiffs' counsel and you if you decide to participate in this case.

Maguire Insurance Agency, Inc. is represented by Proskauer Rose LLP, Eleven Times Square, New York, NY 10036.

PLEASE DO NOT CONTACT THE DISTRICT COURT WITH QUESTIONS REGARDING THIS PENDING LAWSUIT. THE COURT DOES NOT MAINTAIN THE PERSONNEL NECESSARY TO ADDRESS QUESTIONS RELATED TO THIS ACTION AND CANNOT PROVIDE YOU WITH LEGAL ADVICE. IF YOU HAVE A QUESTION, PLEASE CONTACT THE LAWYERS LISTED ON THE NOTICE.

Dated: _____, 2012

Robert Joseph Wiley
Law Office of Rob Wiley, P.C.
1825 Market Center Boulevard, Suite 385
Dallas, Texas 75207
Telephone: (214) 528-6500

Attorneys for the Plaintiff and Members of the Collective Action

YOU MUST TIMELY RETURN THIS CONSENT FORM TO PARTICIPATE

CONSENT FORM

I hereby consent to join the lawsuit against Maguire Insurance Agency, Inc. as a Party Plaintiff to assert claims for overtime violations of the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* I appoint Robert Joseph Wiley and the attorneys of the Law Office of Rob Wiley, P.C. to act as my attorney in this matter.

Please circle the applicable answer concerning your employment as a Claims Examiner focusing exclusively on “fast track” auto matters in the Addison, Texas office of Maguire Insurance Agency, Inc. from _____ [TWO YEARS PRIOR] to present:

1. I worked as a Claims Examiner focusing exclusively on “fast track” auto matters in the Addison, Texas office of Maguire Insurance Agency, Inc. at anytime from [TWO YEARS PRIOR] to present:

YES NO

2. I worked over 40 hours in one or more weeks in which I was not paid overtime wages:

YES NO

NAME

SIGNATURE

DATE

ADDRESS

Employee # or Last 4 of Soc. Sec. #

Mail or Fax to:

Fax: (214) 528-6511

Law Office of Rob Wiley, P.C.

1825 Market Center Blvd., Ste. 385

Dallas, Texas 75207